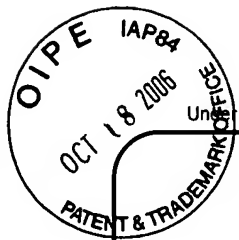


10-20-06

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PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031
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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

Application Number

10/787,508

Filing Date

February 25, 2004

First Named Inventor

Gerald E. Bennington

Art Unit

2623

Examiner Name

Scott E. Beliveau

Attorney Docket Number

UV-133 Cont. 6 Div.

ENCLOSURES (Check all that apply)

- | | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
|---|--|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Fish & Neave IP Group of Ropes & Gray LLP

Signature

Printed name Richard M. Feustel, Jr.

Date October 18, 2006

Reg. No. 46,698

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gerald E. Bennington et al.
Application No. : 10/787,508 Confirmation No.: 7296
Filed : February 25, 2004
For : ELECTRONIC TELEVISION PROGRAM GUIDE
SCHEDULE SYSTEM AND METHOD
Group Art Unit : 2623
Examiner : Scott E. Beliveau

New York, New York 10020
October 18, 2006

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE OF EXPRESS ABANDONMENT

Sir:

This Notice is responsive to the April 18, 2006 Office Action in which the Examiner, *inter alia*, refused to give applicants the benefit of their priority claim and issued various rejections.

In particular, the Examiner refused applicants' priority claim and rejected the pending claims under 35 U.S.C. § 112 first paragraph. The Examiner expressed the view that the specification is "entirely silent with respect to the usage/existence of audio and is further silent with respect to the particular display of a plurality of listings

simultaneously with the displayed video segment" (Office Action, p. 2).

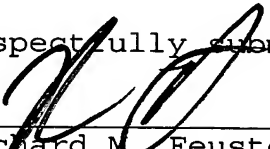
Applicants respectfully disagree with the Examiner's rejection and denial of priority claim. Applicants submit that the originally filed specification and priority Application No. 08/119,367 have the necessary support for these claimed features. For example, one skilled in the art, reading in FIG. 22, and related text at page 42, line 4 to page 43 line 3 would find support for these limitations (and find the claims enabled).

In addition, applicants also believe that the current claims are patentable over the prior art, and that the Examiner's § 102 rejection is also erroneous.

Pursuant to 37 C.F.R. § 1.138, applicants hereby expressly abandon the above-identified patent application.

The foregoing notwithstanding, applicants have decided to abandon this application for business reasons. For the avoidance of doubt, applicants do not acquiesce to any of the rejections made in the Office action.

Respectfully submitted,



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